

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA : INDICTMENT

- v. -

17 CRIM 464

ALBERTO NIEVES,
a/k/a "Bert Nieves,"

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: JUL 21 2017
DATE FILED: JUL 21 2017

COUNT ONE

(Retaliating Against an Informant)

The Grand Jury charges:

1. From in or about January 2015 up to and including in or about June 2017, in the Southern District of New York and elsewhere, ALBERTO NIEVES, a/k/a "Bert Nieves," the defendant, knowingly, with the intent to retaliate, took actions harmful to a person, including interference with the lawful employment and livelihood of such person, for providing to a law enforcement officer truthful information relating to the commission and possible commission of a federal offense, to wit, NIEVES harassed and threatened, through the Internet, persons who previously provided information to law enforcement officers relating to the commission of federal offenses by NIEVES's brother for which NIEVES's brother was prosecuted and convicted.

(Title 18, United States Code, Section 1513(e).)

Judge McMahon

COUNT TWO
(Stalking)

The Grand Jury further charges:

2. From in or about January 2015 up to and including in or about June 2017, in the Southern District of New York and elsewhere, ALBERTO NIEVES, a/k/a "Bert Nieves," the defendant, with the intent to kill, injure, harass, intimidate, and place under surveillance with the intent to kill, injure, harass, and intimidate another person, did use the mail, any interactive computer service and electronic communication service and electronic communication system of interstate commerce, and any other facility of interstate and foreign commerce to engage in a course of conduct that placed a person in reasonable fear of the death of, or serious bodily injury to, that person, a member of the immediate family of that person, and a spouse or intimate partner of that person, and did cause, attempt to cause, and would be reasonably expected to cause substantial emotional distress to that person, a member of the immediate family of that person, and a spouse or intimate partner of that person, to wit, NIEVES used the Internet to disseminate harassing and threatening messages regarding persons who previously provided information to law enforcement officers relating to the commission of federal offenses by NIEVES's brother for which NIEVES's brother was prosecuted and convicted, and NIEVES

thereby caused substantial emotional distress to those persons.

(Title 18, United States Code, Sections 2261A(2).)

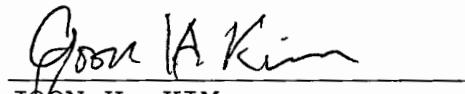
COUNT THREE
(Threats in Interstate Commerce)

The Grand Jury further charges:

3. From in or about January 2015 up to and including in or about June 2017, in the Southern District of New York and elsewhere, ALBERTO NIEVES, a/k/a "Bert Nieves," the defendant, knowingly and willfully did transmit in interstate and foreign commerce, a threat to injure the person of another, to wit, NIEVES used the Internet to disseminate threats of physical injury to persons who previously provided information to law enforcement officers relating to the commission of federal offenses by NIEVES's brother for which NIEVES's brother was prosecuted and convicted;

(Title 18, United States Code, Section 875(c).)


FOREPERSON


JOON H. KIM
Acting United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES OF AMERICA

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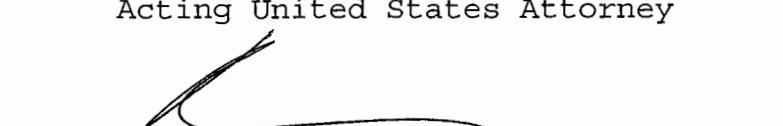
Defendant.

INDICTMENT

17 Cr.

(18 U.S.C. §§ 875(c), 1513(e), and
2261A(2).)

JOON H. KIM
Acting United States Attorney


Foreperson

7/21/17 Filed indictment

On Judge Netburn